

### **Remarks and Arguments**

Applicant has carefully considered the Office Action dated June 15, 2004 and the references cited therein. Applicant respectfully requests reexamination and reconsideration of the application.

Notwithstanding Applicant's previously submitted arguments, claims 2-4, 9-10, 15-16 remain rejected under 35 USC Section 103(a) as being unpatentable over United States Patent 5, 706,449, Liu et al., hereafter referred to Liu, already of record, and United States Patent 4, 839,640, Ozer et al., hereafter referred to Ozer, already of record. In setting forth the rejections, the Examiner has expressly admitted that Liu does not teach a directional command identifying a relative direction of a position of the second displayed data item to a position of the first displayed data item. Instead, the Examiner is relying on Ozer alleging that the entering of a directional command through the user interface is well-known in the art and that Ozer teaches an access control system which comprises the use of arrow (directional) keys to enter commands. Examiner further alleges that it would have been obvious to one of ordinary skill in the art, having to the teaching of Liu and Ozer before him at the time the invention was made, to modify the interface method taught by Liu to include the entering directional commands by using arrow keys taught by Ozer with the motivation being to enable the user to quickly and conveniently enter commands.

Applicant has previously argued that the Examiner has failed to create a *prima facie* case of obviousness on the grounds that 1) the combination of Liu and Ozer does not teach or suggest the claim limitation of "a directional command identifying a *relative direction of a position of the second displayed data item to a position of the first displayed data item*" (claim 2, lines 6-8; see also claims 9 lines 8-10; claim 15, lines 7-9); 2) the Examiner has failed to show where in either reference there is a some suggestion or motivation either to modify Liu with the teachings of Ozer, or, to combine the Lui and Ozer references; and 3) there can be no expectation of success in the combination of Liu and Ozer because neither reference includes a teaching, suggestion

or motivation as to how these disparate technologies would be combined to accomplish the subject matter as claimed.

In commenting on applicant's prior response mailed on April 29, 2004, the Examiner has indicated that it would have been obvious to one of ordinary skill in the art, having the teaching of Liu and Ozer before him at the time the invention was made, to modify the interface method taught by Liu to include the entering directional commands by using arrow keys taught by Ozer with the motivation being to enable the system to perform swap operations between a shown column and a hidden column. The Examiner will note that the object of the subject invention is not to perform swap operations between a *shown column and a hidden column*. *The subject invention solves the need for technique in which the directional controls i.e., the up arrow, down arrow, left arrow, and right arrow, on an alpha numeric keyboard can be utilized to swap the content of either adjacent or non-adjacent data types*. As set forth in the subject specification with reference to Figure 5A, using the inventive technique disclosed therein, successive entry of the Swap command and the down directional command will cause the Content A to be swapped with the lower adjacent data item, effectively causing Content A to move sequentially lower in the list until associated with Item 5 (Serial No. 09/752,337, page 12, lines 9-12). In this manner, nonadjacent data items may be swapped in an efficient manner without requiring "cutting and pasting" of data to the clipboard memory associated with the operating system (Serial No. 09/752,337, page 12, lines 25-28).

Further, the section of Ozer cited by the Examiner discloses that the screen cursor moves left, right, up, and down under the control of four arrow keys (Ozer, column 17, lines 3-4). This disclosure supports applicant's previously submitted contention that the Examiner has failed to create a *prima facie* case of obviousness since there must be a reasonable expectation of success. It is not understood how the directional arrow keys of Ozer can be used to designate the hidden column of Liu as alleged by the Examiner. How can cursor keys be used to signify something not visible on the Liu user interface? Again, in what direction does a second, hidden column exist relative to a first column during a pending swap operation?

In light of the above, applicant respectfully asserts that even if the teachings of Liu and Ozer are properly combinable, as alleged by the Examiner, the combination of Liu and Ozer does not teach or suggest the claim limitation of “a directional command identifying *a relative direction of a position of the second displayed data item to a position of the first displayed data item*” (claim 2, lines 6-8; see also claims 9 lines 8-10; claim 15, lines 7-9).

Further, since the Examiner is asserting that it would have been within the knowledge generally available to one of ordinary skill in the art to combine the Liu and Ozer references, since there is no suggestion or motivation in either reference to combine the respective teachings, Applicant respectfully requests, in accordance with The Manual of Patent Examining Procedure section 2144.03, that the Examiner to produce a reference in support of his assertion, or, alternatively, if such assertion is based on the personal knowledge of the Examiner, to provide Applicant with an affidavit averring to the specific facts supporting the personal knowledge on which the Examiner's statement is based.

Claims 5-6, 11-12 and 17-18 stand rejected under 35 USC Section 103(a) as being unpatentable over Liu and United States Patent 5,767,850, Ramanathan et al., hereafter referred to as Ramanathan, both references are ready of record. In setting forth the rejections, the Examiner has also expressly admitted that Liu does not teach defining a relative position of displayed data item to an icon. Instead, the Examiner is relying on Ramanathan alleging that Ramanathan teaches a relocatable menu icon system which teaches determining relative position between a menu icon and a title bar. The Examiner further alleges that it would have been obvious to one of ordinary skill in the art, having the teaching of Lui and Ramanathan before him at the time the invention was made to modify the interface method taught by Lui to include determining relative position between a menu icon and a displayed item title bar as taught by Ramanathan with the motivation being to enable the user to quickly and conveniently locate the displayed data items.

Applicant has previously argued that the Examiner has failed to create a *prima facie* case of obviousness on the grounds that 1) the combination of Liu and Ramanathan does not teach or suggest the claim limitation of “receiving data defining a

position of a selection icon relative to the first displayed data item” and “swapping the first displayed data item with the second displayed data item” (claim 5, lines 6-9; see also claims 11 lines 8-11; claim 17, lines 7-10); 2) the Examiner has failed to show where in either reference there is a some suggestion or motivation either to modify Liu with the teachings of Ramanathan, or, to combine the Lui and Ramanathan references; and 3) there can be no expectation of success in the combination of Liu and Ramanathan.

In addition, Examiner has indicated that Applicant's argument that Ramanathan's menu icon is not a selector of the data item involved in a swap operation is an attack on the references individually. Applicant respectfully directs the Examiner's attention to the preceding requirements for a to establishing a *prima facie* case of obviousness, specifically “ the prior art reference (or references when combined) must teach or suggest *all* of the claim limitations”. Since the Examiner had already expressly admitted that Liu did not teach defining a relative position of displayed data item to an icon, the Applicant's arguments regarding Ramanathan establish that Ramanathan also does not disclose defining a relative position of displayed data item to an icon. As outlined in the prior response, Ramanathan discloses a system in which a menu icon is used *as a link to another application*, not as a selector of a data item(s) involved in a swamp operation. The Examiner has not shown where *the combination* of Liu and Ramanathan disclose “receiving data defining a position of a selection icon relative to the first displayed data item” or “swapping the first displayed data item with the second displayed data item” (claim 5, lines 6-9; see also claims 11 lines 8-11; claim 17, lines 7-10). Accordingly, Applicants respectfully assert that the Examiner has failed to create a *prima facie* case of obviousness because the Liu and Ramanathan references, *as allegedly combined*, do not teach or suggest *all* of the claim limitations set forth in the claim subject matter.

Again, since the Examiner is asserting that would have been within the knowledge generally available to one of ordinary skill in the art to combine the Liu and Ramanathan references, since there is no suggestion or motivation in either reference to combine the respective teachings, Applicant respectfully requests, and, in accordance with The Manual of Patent Examining Procedure section 2144.03, that the Examiner to produce a reference in support of his assertion, or, alternatively, if such

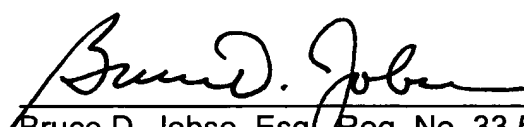
assertion is based on the personal knowledge of the Examiner, to provide Applicant with an affidavit averring to the specific facts supporting the personal knowledge on which the Examiner's statement is based.

Applicant respectfully reasserts all of the remarks and traversals set forth in prior responses to the extent still relevant to the outstanding rejections.

If after considering the above remarks and amendments, the Examiner is still not of the opinion that allowable subject matter is claimed, Applicant respectfully requests a telephone interview with the Examiner and his/her respective Supervisory Patent Examiner to resolve any outstanding issues prior to issuance of any further office actions.

Applicant believes the claims are in allowable condition. A notice of allowance for this application is solicited earnestly. If the Examiner has any further questions regarding this amendment, he/she is invited to call Applicant's attorney at the number listed below. The Examiner is hereby authorized to charge any fees or credit any balances under 37 CFR §1.17, and 1.16 to Deposit Account No. DA-12-2158.

Respectfully submitted,

  
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9/15/04